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Security Council Committee established pursuant to resolution 1267 (1999)

Letter dated 21 April 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Belarus to the United Nations addressed to the Chairman of the Committee

On instructions from my Government, I should like to transmit to you herewith the report to the Security Council Committee established pursuant to resolution 1267 (1999), submitted in accordance with resolution 1455 (2003) (see annex).

The Government of the Republic of Belarus stands ready to provide the Committee with additional reports or information that may be requested by the Committee.

I should be grateful if you would have the attached report circulated as a document of the Security Council.

(*Signed*) Aleg **Ivanou**
Chargé d'affaires a.i.

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Annex to the letter dated 21 April 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Belarus to the United Nations addressed to the Chairman of the Committee

[Original: Russian]

Report of the Republic of Belarus on the implementation of Security Council resolution 1455 (2003)

I. Financial and economic assets freeze

In the Republic of Belarus, the competent bodies regularly receive from the Ministry of Foreign Affairs information on Security Council resolutions adopted in the area of counter-terrorism, and also the lists of individuals and entities suspected of having links with the Al-Qa'idah terrorist organization and the Taliban movement drawn up in accordance with Security Council resolutions 1267 (1999), 1333 (2000) and 1390 (2002).

The provisions of the United Nations Charter, including those which establish the binding nature of Security Council resolutions for Member States, have direct effect in the territory of the Republic of Belarus.

In accordance with the provisions of the act "On international treaties of the Republic of Belarus", legal norms contained in international treaties of the Republic of Belarus which have entered into force are part of the legislation in force in the territory of the Republic of Belarus and are directly applicable, unless the treaty provides that the issuance of a domestic law is required for their application.

The necessary regulatory and legal basis has been established, in the Republic of Belarus, to combat the financing of international terrorism and freeze accounts related to the terrorist organization. The following legislation establishes the basis for monitoring banking operations in Belarus:

- Act on measures to combat organized crime and corruption, of 26 June 1997.
- Act on measures to prevent the legalization of funds obtained by illegal means, of 19 July 2000.
- Banking Code.
- Criminal Code.
- Code of Criminal Procedure.

The attachment and forfeiture of funds or other assets held in a bank and belonging to physical or juridical persons may occur following:

- A court decision or ruling (on the basis of the Criminal Code);
- A decree issued by a body of inquiry and preliminary investigations in cases covered by the Code of Criminal Procedure;
- A decision of the tax authorities in cases covered by Belarusian legislation.

With the aim of implementing the Security Council resolutions on combating the financing of terrorism, the Board of the National Bank of the Republic of Belarus adopted decision No. 10 of 28 January 2002 on halting incoming and outgoing transactions through accounts held by terrorists, terrorist organizations and individuals connected with them. The decision also provides for the National Bank of the Republic of Belarus to pass on information concerning terrorist organizations and individuals involved with them to the banks as and when it is received from the Ministry of Foreign Affairs.

Up to now, no funds or financial assets of physical or juridical persons involved in terrorist activity have been found in the territory of the Republic of Belarus.

II. Travel ban

In the Republic of Belarus, a range of institutional, regulatory and operational-investigative measures have been organized and are being carried out, designed to prevent the entry into or transit through the territory of persons suspected of involvement in the activities of terrorist organizations. Furthermore, illegal migration processes are tracked and analysed, and the stay in Belarus of foreign nationals and stateless persons, in the first place, those from countries of South-East Asia and the Caucasus region, is monitored.

Every year (starting in 1998), a joint special operation, "Operation Border", is conducted in regions of the Russian Federation, the Republic of Belarus and Ukraine adjacent to the border, during which a system of cooperation has been developed among the competent bodies of these States for the purpose of strategic border closures and for cutting off the channels for illegal migration and illicit trafficking in arms, ammunition and explosives. In addition, joint strategic-preventive operations "Channel", "Illegal", "Search", "Antiterror sweep" and so forth are regularly conducted.

As a result of the work carried out by the competent bodies of the Republic of Belarus, in 2001-2002 40 foreign nationals suspected of belonging to terrorist and extremist organizations were barred from entering the country.

III. Arms embargo

Legal basis

In the Republic of Belarus, an advanced export control system has been established. Its main aim is to prevent the spread of nuclear, biological and chemical weapons, and of conventional weapons and technologies. The export control system makes it impossible for arms supplies to bypass current international rules and regulations or to evade United Nations sanctions.

The regulatory and legal basis of the Republic of Belarus governing questions concerning the sale, deployment and transit of weapons through the territory of Belarus includes:

Export controls act, of 1998. This act is a kind of framework document, setting forth general provisions and norms. It covers the goals, principles, targets and organs of export controls, and also the principles of interdepartmental coordination. The act allows for the application of criminal and/or civil penalties for violations

perpetrated in this sphere, although it protects the rights of exporters and any relevant physical or juridical persons.

Decision No. 133 of the Council of Ministers of the Republic of Belarus, of 4 February 2003, "On the implementation of measures for State regulation of the import (export) of specific goods (labour, services)". This decision consists of a set of three regulatory instruments, namely the directive on the procedure for licensing the import (export) of specific goods (labour, services), the directive on the procedure for determining the requirements relating to the use of specific imported goods (labour, services) and the directive on the procedure for monitoring the fulfilment of the requirements relating to the use of specific imported (exported) goods (labour, services) for declared purposes.

The term "specific goods" covers dual-use goods and technologies, weapons of mass destruction and goods, technologies and services used for their production, weapons, military hardware and related items or, in other words, any strategic goods or defence products.

Licensing

In Belarus there is a single system for the issuance of licences in relation to all controlled goods. The body responsible for the issuance of licences is currently the Ministry of Foreign Affairs of the Republic of Belarus. The Ministry of Foreign Affairs consults the ministries and departments concerned, depending on the category of goods, so that before taking a decision, political aspects and the question of non-proliferation are duly taken into account. As a rule, the Ministry of Defence, the State Security Committee and the Academy of Sciences consider the majority of applications. With regard to the adoption of decisions concerning the issuance of licences, an import certificate and end-user certificate issued by the authorized State body are always required before a licence application is considered.

Control of end use

The export controls act envisages, in addition to standard procedures, the authority to conduct checks of end use before the issuance of licences and after the delivery of goods, including on-the-spot checks. The Government has worked out a system for monitoring end use in accordance with this act.

Where possible, the personnel of diplomatic missions of Belarus provide assistance in collecting the necessary information on end users. The Government of Belarus, for its part, issues import certificates for imported goods and verifies the end use of such goods in the territory of Belarus.

Punitive measures

The Criminal Code of the Republic of Belarus provides for liability for the illegal transfer (smuggling) of weapons and related goods, and also the illegal export of items subject to export control. Punishment in the form of deprivation of liberty for a period of 3 to 12 years, with or without confiscation of assets, is established for these crimes.